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Security Council

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Letter dated 11 December 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Chairman of the Committee

Acting on the instructions of my Government, I have the honour to submit herewith Indonesia's report called for under paragraph 6 of Security Council resolution 1455 (2003) on the steps taken to implement the Al-Qaida/Taliban sanctions regime (see annex). I sincerely regret the fact that we were not able to send the report by the stipulated date. The report is set out according to the guidelines prepared by the Committee pursuant to paragraph 12 of Security Council resolution 1455 (2003). My Government stands ready to provide the Committee with any further information required regarding Indonesia's implementation of resolution 1455 (2003).

(*Signed*) Rezlan Ishar **Jenie**
Ambassador
Chargé d'affaires a.i.

03-67260 (E) 090104

Annex to the letter dated 11 December 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Chairman of the Committee

Report to the Security Council Committee established pursuant to Resolution 1267 (1999) pursuant to paragraphs 6 and 12 of Resolution 1455 (2003)

Republic of Indonesia

I. Introduction

1. **Please provide a description of activities, if any, by Usama Bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.**

Indonesia has been victim of several terrorist attacks on its soil, including the largest in its history, which occurred in Bali, 12 October 2002, and the most recent at the Jakarta Marriott Hotel, on August 5, 2003. These attacks, have claimed hundreds of innocent lives and challenged the foundation of Indonesia's fledgling democracy.

Steps have been taken to investigate, hunt down and prosecute the perpetrators of those inhuman attacks. Under difficult circumstances, the Indonesian police have apprehended 14 key suspects directly involved in the Bali bombing and they are currently on trial. Police operations to unveil the Bali bombing have resulted with the further capture of around 85 individuals who had facilitated the bombing operation, including financing, storing of explosives, ammunitions, protecting of fugitives, withholding evidence, etc. They too are facing court. So far, 29 of them have been convicted, three of which have received capital punishment.

The police have also found and arrested 8 other suspects who were planning for more terrorist attacks along with weapons and bomb-making materials. Eleven people thought to be the perpetrators of the J.W. Marriott bomb attack on August 5, 2003 have been identified by the police and many of the suspects have been arrested. Investigation on this is continuing.

The links between the terrorist attacks in Indonesia to those of Al Qaida, Taliban or Usama bin Laden could be seen from the trial of the Bali Bombing case. The trial of Ali Gufron a.k.a Muklas, one of the person indicted in the Bali bombing case, heard a testimony of a Malaysian citizen, Wan Min bin Wan Mat, that he had channeled fundings he received from Hambali to Ali Gufron on several occasions. These funds according to him have originated in part from Al Qaida. In addition, some of the perpetrators of the Bali bombing case were once trained and fought against the Soviet Union in Afghanistan.

II. Consolidated List

2. **How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?**

Financial Supervision

Pursuant to UN SC Resolution no. 1267 (1999) and its Consolidated List, freezing of assets and accounts of individuals and entities connected to terrorist network is done by way of transmitting the said List by the Department of Foreign Affairs to the Office of the Attorney General and the Police. The Attorney General's office or the Police will then issue an order to freeze assets and accounts to all banks in Indonesia, through Bank Indonesia, as the highest banking authority. The result of the investigation on these individuals and entities will then be forwarded to the Attorney General with a copy to Bank Indonesia. To date, Bank Indonesia has forwarded to all banks, seven freeze orders by the Attorney General, the most recent was the request made on 5 March 2003. Based on the investigation at all banks, no single account was found to be related to any individual or entity on the List.

In supervising the financial institutions and preventing them from becoming targets and means to a crime, the following measures have been taken:

a. Bank Indonesia has issued Regulation No. 3/10/PBI/2001 on "Know Your Customer" principle on June 2001 and No. 3/23/PBI/2001 on December 2001 on its amendments. "Know Your Customer" principle basically requires banks to implement policies and procedure in accepting customers, identifying customers, monitoring accounts and transactions of customer, and other policies and procedures related to the principle of "Know Your Customer" ;

b. The Head of the Capital Market Supervisory Agency (Bapepam) has issued a Decree No. KEP-02/PM/2003 on "Know Your Customer" principle on 15 January 2003 which covers securities companies, fund management companies and custodian banks;

c. Decree of the Minister of Finance No. 45/KMK.06/2003 on "Know Your Customer" principle of 30 January 2003 which covers insurance financial institution, pension funds, financing companies.

Law No. 15/2002 on Money Laundering, enacted on 17 April 2002, requires financial institutions, including but not limited to banks, insurance, financing companies, security companies to submit STR (Suspicious Transaction Reports) and CTR (Cash Transaction Reports) to INTRAC (Indonesian Financial Transactions Report and Analysis Center) when such transactions occur.

The law also requires anyone carrying an amount of 100 million IDR into and out of Indonesian territory to report to the Directorate General of Custom and Excise.

Thus far, the Special Unit for Banking Investigation of Bank Indonesia has received 236 STRs, 26 of which have been forwarded to the Police for further investigation and due process of law.

In addition, Parliament has also passed Law No. 15/2003 on the Enactment of Government Regulation in lieu of Law No. 1/2002 on Anti Terrorism. This law strongly asserts that act of terrorism is a crime and to prevent the financing of terrorist networks, it stipulates:

- Article 11 — imprisonment of a minimum of 3 years and maximum of 15 years to anyone who provides or collect funds for act of terrorism

- Article 12 — imprisonment of a minimum of 3 years and maximum of 15 years to anyone —who provides or collects materials to devise explosives, etc

- Article 13 —imprisonment of a minimum of 3 years and maximum of 15 years to anyone who gives assistance or facilitates perpetrators to a terrorist act by providing or lending monies or goods or other properties.

Police, Immigration Control and Consular authorities

Police Criminal Investigation Corps has a special unit that deals with terrorism both administratively (data base) as well as operationally. To handle large-scale cases, the Corps has established an Anti-Terror Task Force.

The Directorate General of Immigration maintains a list of people that are prevented from entering or leaving Indonesian territory for a specific time limit. The Directorate General of Immigration can incorporate into the above list, names of individuals who are suspected of being involved with the Al-Qaida network based on Article 17 (a) Law No. 9 of 1992 on Immigration which stipulates: "Refusal of entry to foreigners is enforced when such foreigner is known to be or is suspected of being involved in international criminal syndicate". Request to add new names into the list are based on, among others, the need to maintain and uphold the security and defense of the state. (Art. 11 paragraph 1 (d) and Art. 15 paragraph 1 (c)). For urgent reasons, the Head of Police can request the incorporation of names into the list (Joint Decision of the Minister for Justice, Attorney General, and Head of Police No: M.01.IL.01.02. Year 1998, No: Kep/008/JA/2/1998, No Pol: Kep/01/II/1998 concerning Direct Request from Police Officials to Immigration Officials in case of emergency to bar the entrance and escape of suspect from Indonesian territory.

The Directorate of Consular Affairs of the Department of Foreign Affairs will consult with related agencies to incorporate into the list names of people being prevented from entering or leaving Indonesian territory, names of individuals suspected of having links to terrorism and it will give instruction to Indonesian representative in order to refuse their visa application. Thus, any individual whose name appear on the list will not be permitted to enter Indonesian territory.

3. **Have you encountered any problem with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.**

The absence of a single (integrated) national citizen identity system impedes the identification process conducted by banks and other financial institution towards accounts of individual customer. In investigating name of individuals/entities within the List, banks and financial institutions have found 2 names that are identical with those that are on the List. Direct verification by a special investigative team from Bank Indonesia found no significant amount of money under those suspicious names.

In identifying the names that appear on the List, the Indonesian Police employs photographs and fingerprints of individuals. The perpetrators of terrorist act usually use several aliases or false names in conducting their operations.

The Directorate General of Immigration has taken preventive measures such as instructing the Heads of Immigration Offices throughout Indonesia to apprehend individuals suspected of being involved in the Al-Qaida network based on request from relevant authorities.

4. **Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.**

Measures have been taken by circulating the name of those individuals suspected of being involved with the Al-Qaida network to all Immigration Offices in Indonesia as a follow up of the request from other authorized and relevant institutions. The Directorate General of Immigration has also instructed the Heads of Immigration Offices to arrest suspected individuals and bring them to the Directorate General of Immigration.

On January 9, 2003 the Directorate General of Immigration has issued a letter no. F4-IL.01.10-3-0061 to monitor two members of Al-Qaida who is thought to be in Indonesia:

a. Ahmad Mahmud Salih, aka Ratti, aka Abu Salama, Jordanian nationality

b. Abu Mus'Ab Al-Zarqawi, Jordanian nationality

The office of the Attorney General has also been informed of this development and has issued order to its branch offices throughout Indonesia to monitor the whereabouts of those two individuals.

5. **Please submit to the Committee, to the extent possible, the names of the individuals or entities associated with Usama bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigations or enforcement actions.**

Thus far, the result of the Indonesian intelligence investigations on the possible involvement of other Indonesian nationals in international terrorist network, including Al-Qaida, have not shown any evidence of their involvement. To improve information gathering, Indonesia has maintained cooperation with intelligence services of the ASEAN countries as well as with countries outside the region.

As to other names that are not included in the List, Indonesia maintains the view that it is imperative to obtain firm evidence of their involvement with the Al-Qaida network.

6. **Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.**

To date, there are no individuals or entities who have brought a lawsuit or engaged in legal proceedings against Indonesian authorities.

7. **Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.**

Yassin Sywal aka Mubarok, Imam Samudra, Muklas aka Ali Gufron, Parlindungan Siregar, Aris Munandar and Fathur Rohman Al Ghozi, Agus Dwikarna, Mohammad Iqbal Abdurrahman and Nurjaman Riduan Isamuddin are Indonesian nationals. The last two have Permanent Resident Permit in Malaysia. Of those listed above, Muklas and Imam Samudra have been convicted and sentenced to capital punishment by the district court in Bali, Indonesia, respectively on October 2 and September 10, 2003. Fathur Rochman Al Ghozi was killed in the Phillipines on October 12, 2003, Nurjaman Riduan Isamuddin aka Hambali is currently under US custody, Mohammad Iqbal Abdurrahman is detained by the Malaysian authorities and Agus Dwikarna is being detained in the Phillipines. Yassin Sywal, Parlindungan Siregar and Aris Munandar are still at large.

8. **According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.**

The Police continues to intensively monitor locations suspected of being training camps for terrorist groups. It also closely monitors the border areas with Southern Philippines, Southern Thailand, and Malaysia.

III. Financial and Economics Assets Freeze

9. **Please describe briefly:**

- **the domestic legal basis to implement the asset freeze required by the resolution above;**
- **any impediments under your domestic law in this context and steps taken to address them.**

The procedure for freezing the accounts and assets at banks and financial institutions are based on the following instruments :

a. Circular Letter of the Commander of the Indonesian Police Force No. 028/9/I/DK/67 dated 13 September 1967 on the freezing of deposits/ funds/ accounts

b. Letter of the Deputy Attorney General for Special Affairs, on behalf of the Attorney General No. B278/D.2/6/69 dated 26 June 1969 on the confiscation of bank accounts

c. Letter of the Deputy of Operation Affairs, on behalf of the Chief of the Indonesian Police No. 4/260/TPC/DEOP/X/70 dated 31 October 1970 on the confiscation of bank accounts

d. Joint Decision Letter of the Attorney General, Chief of Indonesian Police and the Governor of Indonesian Central Bank No. KEP 126/1997, KEP/10/XI/1997, 30/6/KEP/GBI dated 6 November 1997 on the cooperation to address criminal acts in the banking sector.

e. Regulation of the Indonesian Central Bank No. 2/19/PBI/2000 dated 7 September 2000.

No impediments have been encountered in its implementation, since the freezing of assets/accounts can be executed by the police and public attorney, who have full authority to do so, through Bank Indonesia. Such freezing do not require a special permit from Bank Indonesia.

10. **Please describe any structures or mechanism in place within your government to identify and investigate Usama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.**

The mechanism/procedure that has been taken by the Government of Indonesia to identify and investigate assets of Usama bin Laden, Al Qaeda or Taliban and their network is by coordinating amongst governmental institutions, ie: Department of Foreign Affairs, the Office of the Attorney General, Bank Indonesia and all the banks. This mechanism has been formalized/institutionalized and to date, the Indonesian Government has issued 7 (seven) freezing orders. In addition to that, steps have also been taken towards freezing the assets of additional individuals listed on the 9 September 2003 consolidated list.

In the context of cooperation against international terrorism, the Special Unit for Banking Investigation of Bank Indonesia and INTRAC has assisted US Customs and Federal Bureau of Investigation in terms of identification and exchange of information connected to international terrorism.

INTRAC, as a financial intelligence unit (FIU) has signed MoU with Thailand's AMLO and Malaysian FIU. INTRAC has also offered similar cooperation (by way of signing MoUs) with other FIUs, ie: FinCEN (Financial Crime Enforcement Network, USA), Austrac (Australian Financial Reports and Analysis Centre), Hongkong FIU, New Zealand FIU, STRO (Suspicious Transaction Reports Office) Singapore, NCIS (National Criminal Intelligence Service) UK. In the long term INTRAC plans to widen its cooperation with other FIUs, aimed at sharing financial intelligence.

In the effort to widen international cooperation in preventing money laundering and terrorist financing, Indonesia became a member of the Asia Pacific Group on Money Laundering in 2001. INTRAC is also working to become a member of the EGMONT Group in 2004.

11. **Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama bin Laden or members of Al-Qaida or Taliban, or associated entities or individuals. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.**

As has already been mentioned earlier, banks have responded positively to the mechanism/procedure to freeze assets or accounts.

Furthermore, "Know Your Customer" principle requires banks and other financial institutions to put in place internal policy and procedures as means to among other know the profile and characteristic of potential customers and their business activities, so that banks and other financial institutions are convinced that the money belonging to the customers are not derived from any crime, including terrorism.

Prior to doing business with potential customers, banks and other financial institutions are required to gather information on their identity, aims and goals of their business venture and other relevant information in order to know the customers potential profile and the identity of other parties, in the case that the potential customer acts on behalf of another party. They are also required to keep customer records for 5 years including updating old customer records, and to identify and to report suspicious transactions to INTRAC. The identity of potential customer should be supported by relevant documents. Banks and financial institutions must take time to check the authenticity of these supporting documents.

To apply the "Know Your Customer" principles, banks and other financial institutions are required to establish a special unit and/or appoint an officer in charge for its implementation.

All financial authorities in Indonesia such as Bank Indonesia, which oversees the banking sector, Ministry of Finance, which oversees the non-bank financial institutions, and Bapepam which oversees the capital market, should monitor the performance of the "Know Your Customer" principle in their respective industry.

12. **Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolution 1267 (1999), 1333(2001) and 1390 (2002). Please include, to the extent possible, in each listing the following information:**

- **Identification (s) of the person or entities whose assets have been frozen,**
- **A description of the nature of the assets frozen (i.e. bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets),**
- **The value of assets frozen.**

Based on reports compiled from the police as of September 13, 2003, below are bank accounts that have been identified as belonging to individuals on the consolidated list, as follows:

No.	Name	Name of Bank
1.	Imam Samudra aka Abdul Aziz, Abu Umar, Fais Yunshar (Nationality: Indonesian)	Bank BNI Serang Branch Name of owner: Abdul Aziz, Ir. Bank BNI, Medan Branch Name of owner: Alfian Yadri Hutabarat Bank BCA, Serang Branch Name of owner: Abdul Aziz
2.	DR. Azhari bin Husin aka Alan (Nationality: Malaysian)	Bank BNI, Bengkulu Branch Name of owner: Sardona Siliwangi Bank BII, Padang Atas Branch Name of owner: Ahmad Muttaqin

13. **Please indicate whether you have released pursuant to resolution 1452 (2003) any funds, financial assets or economic assets that had previously been frozen as being related to Usama bin Laden or members of the Al-Qaida or Taliban or associated individuals or entities. If so, please provide reasons, amounts of frozen or released and dates.**

So far, there have been no reports of any release of funds, financial assets or economic assets.

14. **Pursuant to resolution 1455 (2003), 1390 (2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to Listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:**

- **The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include and indication of the types of institution informed and the methods used.**

- **Required bank-reported procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated.**

- **Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.**

- **Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.**

- **Restrictions or regulations, if any, applicable to alternate to alternate remittance systems such as — or similar to — "hawala", as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.**

Currently, Indonesia has an anti-money laundering and suppression of terrorist financing regime with the enactment of Law No. 15/2002 on Money Laundering, and the application of "Know Your Customer" principles by respective financial institutions. Based on the above law and the "Know Your Customer" principles, the flow of funds or assets to individuals or entities linked to terrorism can be monitored through the Suspicious Transaction Report (STR), Cash Transaction Report (CTR), or through report on the flow of money entering or leaving the territory of the Republic of Indonesia.

Indonesia is developing an anti-money laundering and suppression of terrorist financing regime based on domestic needs and prevailing international standards (40 + 8 Recommendations of the Financial Action Task Force on Money Laundering (FATF) and its revision). In this connection, on 16 September 2003, the Indonesian parliament has adopted the amendment of Law No. 15/2002, which have accommodated inputs from the FATF, as follows:

a. Deleting the threshold of 500 million IDR on the definition of proceeds of crimes (Article 2);

b. Broadening the definition of suspicious financial transaction so that it encompasses transaction on proceed of crime and cancelled transaction;

c. Reducing the deadline of the report on STR and CTR from 14 (fourteen) to 3 (three) working days;

d. Adding regulation on anti-tipping off, or the prohibition to inform that STR has been compiled and reported.

e. Providing additional provisions on Mutual Legal Assistance with other countries;

f. Adding predicate crimes by including gambling, illegal logging, prostitution, crime on capital market, crime on insurance and manipulation of taxes.

On 16 September 2003, the Indonesian parliament has adopted the amendments which have accommodated the above inputs.

Restriction of movement of precious commodities:

The anti-money laundering and suppression of terrorist financing regime in Indonesia does not specifically regulate the purchase of gold, diamond and other precious commodities, alternative remittance system or special monitoring on non-profit organization.

The available regulations on precious commodities only restrict the movement of gold. The Decrees of the Minister of Industry and Trade No. 558/MPP/Kep/12/1998 and No. 118/MPP/Kep/2003, stipulates that any corporation intending to export gold should obtain approval from the Minister of Industry and Trade. Meanwhile, restriction on the movement of other precious commodities are still under consideration.

IV. Travel Ban

15. **Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.**

Clearing House of the Department of Foreign Affairs and the Department of Justice and Human Rights are the official fora of relevant institutions within the Government that screen visa application, especially from troubled countries. Various reasons can be cited to bar an individual from obtaining visa, including connection to terrorist activities.

Based on articles 11-23 of Law No. 9/1992 on Immigration, individuals suspected of being involved in Al-Qaida network can be prevented from entering or leaving Indonesian territory.

16. **Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problem encountered.**

Based on Once request from authorized officials/institution the Directorate General of Immigration will incorporate the name of individuals into the list of people that are prevented from entering or leaving Indonesian territory, the new information shall be circulated to all Immigration checkpoints throughout the country.

17. **How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?**

The circulation of the list of people prevented from entering or leaving Indonesian territory is sent every April and October (twice a year). However, any updates of information will be forwarded to the Immigration checkpoints by facsimile, telephone or mail as soon as they become available. Electronic access is available only in several Immigration checkpoints.

18. **Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.**

So far, officials in Immigration checkpoints and police officers have not found any individuals whose name appears on the List.

19. **Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa application whose name appears on the List?**

When a visa applicant is included in the list of people prevented from entering or leaving Indonesian territory, his/her visa application will be refused and it will be informed to the relevant authorities in Jakarta.

The consular section of Indonesian Embassies or Consulates receives on a regular basis from the Directorate General of Immigration, updated list of people prevented from entering or leaving Indonesian territory.

V. Arms Embargo

20. **What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?**

Measures to prevent the acquisition of conventional weapons

In 1960, the Head of the Indonesian National Police received the authority to monitor and control the ownership of small arms and light weapons by civilians. Afterward, in 1991 and 2000, the enforcement of this law was outlined under the Implementation Guidance of the Head of the Indonesian National Police. Currently, the Indonesian National Police, in coordination with the National Intelligence Unit of the Indonesian Armed Forces and the Department of Treasury, particularly the Directorate General of Customs and Excise, performs mandated duties of monitoring and controlling small arms and light weapons in Indonesia in order to prevent its misuse and the proliferation of illicit trafficking. In addition, administrative measures in place to control arms is the Presidential Instruction No. 9/1976 on Intensifying Control of Firearms.

Measures to prevent the acquisition of weapons of mass destruction

To prevent the theft of nuclear material and the sabotage of nuclear facilities, Indonesia has signed the Convention on the Physical Protection of Nuclear Material and ratified it in 1986 with Presidential Decree no. 49/1986. The guidelines for the physical protection of radioactive material against its misuse is regulated by the Decree of the Head of the Indonesian Nuclear Energy Control Board No.02P/Ka BAPETEN/VI-99.

The import and circulation of hazardous materials (biological and chemical) is regulated by the Decree of the Minister of Industry and Trade No. 254/MPP/Kep/7/2000. This decree is meant to control and monitor the use of these materials according to their function and to prevent their misuse.

21. **What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?**

a. The monitoring and control of arms by Indonesian security authorities is conducted and aimed at all groups who might attempt to illegally posses arms, including the group of Usama Bin Laden and members of Al-Qaida.

b. License to possess arms among civilians are granted, on a selective bases by the Police, particularly to individuals, whose position are vulnerable against crimes.

22. **Please describe how your arms/arms broker licensing system, if any, can prevent Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.**

The permission to trade in arms is given by the Police in cooperation with the Customs . The intelligence unit of the Armed Forces shall assist in its monitoring.

23. **Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated?**

a. All weapons, ammunitions and explosives produced by State-Owned Companies are exclusively ordered by the Indonesian military and police or other governmental institutions, not traded freely.

b. The security standard applied to safeguarding weapons, ammunitions and explosives which are under the possession of the Indonesian Armed Forces, the Indonesian Police forces and other government institutions authorized to carry such devices are conducted in accordance to the available procedures within their respective institutions/agencies. The administrative data collection/ recording is carried out strictly, the outflow and inflow of weapons, ammunitions and explosives from the warehouses is also strictly coded and supervised.

c. Physical security while storing them in the warehouse has been arranged in such a way as to prevent the loss or the transfer of weapons, ammunitions and explosives to the hands of the irresponsible.

VI. Assistance and Conclusion

24. **Would your state be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.**

Indonesia would be willing or able to provide assistance to other States to help them implement the measures contained in the above mentioned resolutions. So far, INTRAC has established and maintained network with similar institutions in other countries in the implementation of Anti-Money Laundering Policy; and some countries have concluded an MOU with INTRAC. The Indonesian Police has established cooperation as well with other countries' police forces in combating terrorism.

25. **Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.**

With the view to increase the effective implementation of the policy, an amendment to the Law of Anti-Money Laundering is currently in process, particularly giving due consideration to suggestions from the Financial Action Task Force on Money Laundering (FATF).

The absence of the single and integrated national citizen identity system has inhibit the work of the INTRAC and the intelligence community in effectively identifying potential terrorist.

Areas where specific assistance would be required to help improve ability to implement the sanctions regime are:

- Money laundering capacity could be enhanced with additional expertise training and the provisions of information technology in the field of detection, police/investigation, custom and immigration.
- training and provisions of equipment to bolster territorial and border control in order to prevent smuggling of weapons, etc.

26. **Please include any additional information you believe pertinent.**

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Letter dated 15 December 2003 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Chairman of the Committee

On instructions from my Government, I have the honour to transmit herewith the updated report of the Government of the Republic of Azerbaijan to the Committee established pursuant to Security Council resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities in accordance with paragraph 6 of Security Council resolution 1455 (2003) (see annex).

(*Signed*) Yashar **Aliyev**
Permanent Representative

03-67266 (E) 020104

Annex to the letter dated 15 December 2003 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Chairman of the Committee

Report of the Republic of Azerbaijan pursuant to Security Council resolution 1455 (2003)

I. Introduction

1. Please provide a description of activities, if any, by Usama Bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.

Activities by Usama Bin Laden, Al-Qaida or the Taliban have not been detected in Azerbaijan.

Baku branch of the "Benevolence International Foundation" indicated in the 1267 Committee's Consolidated List as an entity belonging to or associated with the Al-Qaida has been observed to be engaged in a charitable-character activity according to its official registration as a humanitarian organization in the Ministry of Justice of Azerbaijan. It should be noted that this organization has not been tracked down to be directly or indirectly involved in the terrorist activities as well as the financing of terrorism in Azerbaijan.

II. Consolidated List

2. How has the 1267 Committee' s List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?

The Ministry of Foreign Affairs with the instructions of the Cabinet of Ministries provides routine submission of the updated Consolidated List without delay to the competent authorities such as the National Bank, Ministry of Finance, Ministry of National Security, Ministry of Interior, State Customs Committee, and State Border Service. They, in turn, transmit this information to all their relevant local bodies and branches.

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.

No problems have been observed during the implementation with regard to the names and identifying information currently included in the List.

4. Have your authorities identified inside your territory any designated individuals or entities? If so, please out line the actions that have been taken.

As it has been already mentioned, in the late 2002 designated in the 1267 Committee's List "Benevolence International Foundation" organization has been identified in Azerbaijan. As the first step, all the financial funds of this organization have been immediately frozen by the National Bank upon locating the certain bank account of "Benevolence International Foundation" at the International Bank of Azerbaijan. The office of its Azerbaijani branch at the address – 69, Bashir Safaroglu str., Baku - has been subsequently closed up as well as forfeited its official registration according to the decision of the Collegium of the Ministry of Justice of 30 December 2002.

5. Please, submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama Bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigations or enforcement actions.

None.

6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List?

According to the information provided by the Ministry of Interior, Office of Prosecutor General and Ministry of National Security no facts of bringing lawsuits or instituting legal proceedings by the listed individuals or entities against our competent authorities have been elicited in Azerbaijan.

7. Have you identified any of the listed individuals as nationals or residents of your country?

No one of the listed individuals has been identified as nationals or residents of Azerbaijan.

Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.

No.

8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.

According to articles 279 ("Creation of illegal armed groupings or groups") and 114 ("Recruitment") of the Criminal Code, formation of and participation in the illegal armed groupings inside the country as well as participation in the training camps of terrorist organizations established outside Azerbaijan have been criminalized.

More detailed information has been provided in the first (S/2001/1325) and second (S/2002/1022) reports of Azerbaijan to the Counter-Terrorism Committee. *Please, see answers to the questions under subparagraph 1 (a) and 2 (d) of the second report (S/2002/1022).*

III. Financial and Economic Assets Freeze

9. Please, describe briefly:

- **the domestic legal basis to implement the asset freeze required by the resolutions above;**

The following key instruments and norms constitute the domestic legal basis for addressing terrorist financing:

- **Law on Accession to the International Convention for the Suppression of the Financing of Terrorism** of 1 October 2001;

- **Presidential Decree No. 824 on the implementation of the UNSC resolutions 1368 (2001) and 1373 (2001)** of 3 November 2001;
- **Decision No. 205s of the Cabinet of Ministers on the implementation of the above-mentioned Presidential Decree** of 7 November 2001;
- **Presidential Decision on the Action Plan towards the implementation of the UNSC resolutions 1368 (2001), 1373 (2001) and 1377 (2001)** of 11 May 2002;
- **Article 1.11 of the Counter-terrorism Law** (as incorporated by the Law on amendments and additions to several legal acts of the Republic of Azerbaijan in view of the application of the Law on "Accession to the Convention for the Suppression of Financing of Terrorism" of 17 May 2002);
- **Article 214-1 of the Criminal Code** (as incorporated by the Law on amendments and additions to several legal acts of the Republic of Azerbaijan in view of the application of the Law on "Accession to the Convention for the Suppression of Financing of Terrorism" of 17 May 2002);
- **Law on amendments and additions to several legal acts of the Republic of Azerbaijan in view of the application of the Law on "Accession to the Convention for the Suppression of Financing of Terrorism"** of 17 May 2002.

  - **any impediments under your domestic law in this context and steps taken to address them.**

Up to the adoption of the Law on amendments and additions to several legal acts of the Republic of Azerbaijan in view of the application of the Law on "Accession to the Convention for the Suppression of Financing of Terrorism" of 17 May 2002, the national legislation did not defined "financing of terrorism" as a special criminal offence. Notwithstanding, our legislation provided for the possibility of sanctioning "financing of terrorism" in the context of criminal complicity.

Pursuant to the Law on amendments and additions to several legal acts of the Republic of Azerbaijan in view of the application of the Law on "Accession to the Convention for the Suppression of Financing of Terrorism" of 17 May 2002 and the Presidential Decree on Application of the Law on amendments and additions to several legal acts of the Republic of Azerbaijan in view of the application of the Law on "Accession to the Convention for the Suppression of Financing of Terrorism" of 27 May 2002, a new Article 214-1 has been incorporated into the Criminal Code. Article 214-1 of the Criminal Code formulates terrorism financing as a "deliberate provision or collection of funds or other property, in full or in part, directly or indirectly, for the purposes of committing an act of terrorism". The sanction for this crime is imprisonment for the term ranging from eight to twelve years with confiscation.

10. Please describe any structures or mechanisms in place within your Government to identify and investigate Usama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

Any Financial Intelligence Unit reporting about the suspicious transactions has not been established in Azerbaijan yet. The coordination of the information related to the identification and investigation of Usama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them is carried out by the National Bank.

All the competent Azerbaijan's state agencies make bilateral and multilateral information exchange with their foreign partners. The legal basis for the exchange of information constitutes the Law on mutual legal assistance in criminal matters, Law on "Accession to the Convention for the Suppression of Financing of Terrorism" as well as bilateral and multilateral agreements of Azerbaijan with foreign countries.

For more detailed information, *please, see answers to the questions under subparagraph 1 (b), (c) and (d) of the second report of Azerbaijan to the Counter Terrorism Committee (S/2002/1022).*

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

According to the domestic procedure the updated Consolidated list is forwarded first to the National Bank as a banking control organ. In its turn, the National Bank transmits the list to the banks operating in Azerbaijan with the instruction to locate and investigate the bank accounts or bank transactions of the listed individuals and organizations, and the latter present to the National Bank all the necessary information in this regard.

"Due diligence" and "know your customer" requirements have been incorporated to the appropriate regulations issued by the National Bank. Pursuant to the National Bank regulations, the credit agencies in Azerbaijan are required to get the identification documentation (passport, ID, etc.) from their clients and to keep all the information and banking essential elements in the banks. As for conducting transactions with the legal entities, it is required that they provide the credit agency with the relevant information about their founders and managing staff, scope of activities, registration, documentation package about the taxes, statistics, social security registration etc. In order to identify the transaction it is also required to submit to the bank the appropriate documents about beneficiary and banking identity, purpose of transaction as well as confirmatory documentation. The whole provided information is kept in the banks during five years.

12. Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2001) and 1390 (2002). Please include, to the extent possible, in each listing the following information:

- **identification(s) of the persons or entities whose assets have been frozen;**

Upon the identification of the account belonging to the "Benevolence International Foundation" (Consolidated List, D. The list of entities belonging to or associated with the Al-Qaida organization, 53 (e) Bashir Safar Ugli 69, Baku, Azerbaijan; (f) 69 Boshir Safaroglu St., Baku, Azerbaijan) in the International Bank of Azerbaijan, the assets of this organization were promptly frozen on 6 December 2002.

- **a description of the nature of the assets frozen (i.e., bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets);**

Bank deposit.

- **the value of assets frozen.**

40 USD.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama Bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

No funds, financial assets or economic assets had previously been frozen as being related to Usama Bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities in Azerbaijan.

14. Pursuant to resolutions 1455 (2003), 1390 (2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to Listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:

- **The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.**

Institutions usually informed by the National Bank of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban are all the banks operating in Azerbaijan. As it has been earlier indicated, the National Bank transmits the information to the banks and financial institutions by issuing special instructions.

- **Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated.**
- **Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.**

Due to the lack of a special legislation on anti-money laundering, there is no clear definition of a "suspicious or unusual transaction" in the legislation. Although the legislation does not contain any mandatory reporting requirement, banks and bureaux de change in Azerbaijan are required to report suspicious or unusual transactions to the National Bank according to the AML/CFT-related normative regulations and instructions of the National Bank. Compliance by the mentioned financial institutions

with the reporting obligations for suspicious and unusual transactions is monitored through the on-site and off-site inspections carried out by the National Bank.

According to the banking regulations any suspicious or unusual transaction can be implemented if it is clearly specified and only in order to verify its accuracy.

For more detailed information about STR, *please, see answers to the questions under subparagraph 1 (b) and 2 (g) of the second report of Azerbaijan to the Counter-Terrorism Committee (S/2002/1022).*

- **Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.**

N/A.

- **Restrictions or regulations, if any, applicable to alternate remittance systems such as – or similar to – "hawala", as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.**

According to the domestic legislation, the application of alternate remittance systems and mechanisms such as – or similar to – "hawala" is totally prohibited.

IV. Travel Ban

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

In order to prevent the entry into and transit through the territory of Azerbaijan of the terrorists and other criminals, there has been established an *Automatic Information Retrieval System* (AIRS) at the certain border checkpoints. This system includes all the immigration control authorities – State Border Service, Department for visas and registration of foreign citizens of the Ministry of Interior, Consular Department of the Ministry of Foreign Affairs - and is aimed at accurate registration of all those who cross the border line at the checkpoints as well as ensures the effective check of their identification documents.

The law-enforcement bodies periodically renew the search list that comprises suspected persons, persons having committed an offence and wanted persons. For the purpose of conducting checks this list is forwarded to the relevant agencies, including immigration control authorities.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

The listed individuals have been placed under control of the relevant state agencies at the border checkpoints. In this regard no problems have been encountered.

17. How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?

The updated Consolidated List is transmitted to the border control authorities by the described above procedure approximately once in three months. Given that the List is being regularly changed and supplemented, the appropriate government agencies have been informed about the List maintained on the UNSC 1267 Committee's web-site http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm.

The mentioned above united entry-exit database system AIRS operating in Azerbaijan enables to overall monitor the border crossings in an on-line mode.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

There has not been registered any case of stopping the listed individuals at any of the border points of Azerbaijan or while transiting the territory of Azerbaijan.

19. Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the List?

Please, see answer to question 15.

V. Arms Embargo

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

For the detailed information about the legal and other measures which regulate export control in Azerbaijan, *please, see answers to the questions under subparagraph 2 (a) of the second report of Azerbaijan to the Counter-terrorism Committee (S/2002/1022).*

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

N/A

22. Please describe how your arms/arms broker licensing system, if any, can prevent Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

Please, see answer to question 20.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated?

Please, see answer to question 20.

VI. Assistance and conclusion

Please, find enclosed the Report of Azerbaijan on the Counter-Terrorism related Capacity Building Assistance Needs (annex 1).

ANNEX

Assessment Report of the Counter-Terrorism related Capacity Building Assistance Needs

Introduction

From the very first day, Azerbaijan has joined the international anti-terrorist coalition to contribute to the struggle of the world community against the scourge of terrorism. Having maintained its firm position against terrorism, Azerbaijan stands ready to do its utmost to eradicate this evil and has undertaken certain measures to strengthen the effectiveness of countering terrorism on national and international levels.

However, achievements of Azerbaijan in the counter-terrorism area are retarded by the scarcity of necessary logistics and equipment for effective implementation of counter-terrorism measures and the difficulty of providing such logistic support at the expense of internal resources. For the purposes of enhancing the counter-terrorism capacity of the government bodies, it is of an utmost importance to create comprehensive logistics capacities and equipment alongside maintaining the existing operational capabilities. From this perspective, counter-terrorism related capacity building assistance needs have been defined as follows.

I. EQUIPMENT AND LOGISTICS SUPPORT

1. **Purpose: enhancing mobility of counter-terrorism task forces to undertake preventive measures as well as during terrorist chasing and covert operations.**

1.1. Provision of equipment for observation and surveillance:
- video and photo-surveillance equipment;
- laser sight for automatic guns;
- mobile points of secret audio-video observations;
- long-distance and night observation optic devices, etc.

1.2. Provision of equipment for development of information-exchange and communication network:

- special speaking devices for communication during the operation;
- re-transmitter operating at different frequency diapason;
- manual and mobile radio stations for vehicles;
- sources/facilities of radio electronic emanation;
- radio-monitoring system at HF/VHF/UHF diapason for the direction-finding of the GSM type mobile phones, radio coverage and decoding of information.

1.3. Provision of equipment designed for specific purposes:

- criminalistic laboratory set up in the flexible carrier helicopter, or car;
- criminalistic and technical facilities;
- facilities for secret acquisition and documentation of audio-video information;
- facilities to detect devises for covert/secret acquisition of information;
- facilities for radiolocation (navigation) of moving objects;
- facilities for opening of locking devices;
- facilities for secret passing of building structures;
- special capturing devices to detain transportation means;
- special devices to detect counterfeit money;
- infrared spectroscopy.

1.4. Provision of transportation facilities:

- helicopters and aircrafts (*comments*: such kind of equipment is needed to efficiently conduct anti-terrorist operations in the stiff terrain and high mountainous areas);
- minibuses with special equipment;
- cross-country vehicles.

1.5. Provision of personal safety outfit (jackets, helmets, etc.).

2. Purpose: enhancing capacity of border control and customs services to detect radioactive and WMD components and to neutralize explosives.

2.1. Provision of detection and neutralization equipment:

- mobile chemical and biological laboratory equipped with radiation measuring devices;
- special criminalistic laboratory set up in the flexible carrier (helicopter, or car);
- ionizing radiation meter;
- isotope detecting devices;
- special monitors;
- equipment for detection of new types of explosive devices and items in postal channels;
- facilities for the neutralization of explosive devices.

2.2. Provision of personal protection facilities (defense suits, autonomous breathing devices, etc.).

2.3. Provision of equipment and logistics support for creation of Cynological Center at the State Customs Committee (*comments:* trained dogs will be used in the detection of drugs, which mostly serve as a financial source for terrorism, explosive substances and devices, weapons and other means possibly to be used by terrorists).

3. Purpose: establishment of modern information management systems and communication infrastructure

Comments: There is an immense necessity to purchase encrypted communication facilities and other technical facilities for obtaining, gathering, systemization, analysis and exchange of written, audio, video and digital information between relevant government agencies as well as between Azerbaijan and the partner countries.

3.1. Creation of a stationary and mobile information-communication infrastructure of counter-terrorism task forces:

- upgrade of commutation equipment designed for the telephone communication networks;
- upgrade of a computer network among the government agencies dealing with counter-terrorism, on one hand, and within the government agencies themselves;
- creation of an encrypted digital radiotrank communication in Baky, and for these purposes establishment of a local computer network and develop a special software for databases and circulation of electronic documents;

3.2. Upgrade of computer systems used for the analysis of audio-video materials.

4. Purpose: ensuring security of maritime boundaries.

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4.1 Modernization and equipment upgrading of technical observation posts along coastal border posts and uniting them in one network (comments: in order to ensure security of oil deposits and floating facilities in the Azerbaijani sector of the Caspian Sea against potential terrorist attacks)

4.2. Creation of special divisions and infrastructure for border guard vessels in North (Khachmaz district) and South (Lenkeran district) directions, as well as in the water storage of Araz river network in the Nakhichevan Autonomous Republic.

II. PERSONNEL TRAINING

Comments: the provision of modern equipment should be accompanied by assistance in personnel training.

1. Purpose: development of local facilities for training in the counter-terrorism area.

1.1. Establishment of a Counter Terrorism Education Center.

Comments: This need stems from the fact that at present, training process for the Azerbaijani specialists is provided by partner countries, primarily by the United States, once in every 1-3 months by 1-3 week courses for a group in different foreign countries. In our opinion, it would be more reasonable instead of making large expenditures for tens of people for their travel abroad, for their lodging and training, to direct those funds to the implementation of programs at the existing educational centers on permanent and long-term basis and also attract specialists from other partner countries to these programs. Nowadays there are Academy of the Ministry of National Security, Police Academy and Academy under the State Customs Committee in Azerbaijan. It should be also noted that there is a Training Center on migration issues established at the Academy of the Ministry of National Security with the assistance of International Migration Organization.

1.2.Strengthening the logistical basis of the existing Regional Education Center for customs control officers.

Comments: The Regional Education Center was built in Baky according to the Memorandum signed between the State Customs Committee of Azerbaijan and World Customs Organizations, and is designated for preparing professional cadres for custom services of the states in the region. It is necessary to provide this Center with up-to-date education facilities, and also with facilities to be used in the trainings on counter-terrorism issues.

1.3.Elaboration of educational methodic facilities, instruction-based text-books and literature on terrorism issues.

2. Purpose: increasing the capacity in training of translators

Comments: According to national legislation, all the international instruments Azerbaijan is going to be a party to should be translated into the official Azerbaijani language and afterwards, pass through the internal review procedures.

2.1. Organization of the courses and training for law translators.

2.2. Provision of equipment and logistics support to establish a Translation Center.

ANNEX

III. OTHER TECHNICAL AND EXPERT ASSISTANCE

1. Purpose: assessment of the existing national resources and optimizing the national structure.

1.1.Development of Counter-terrorism Country Programme for Azerbaijan;

1.2.Roadmapping the Counter-terrorism Assistance Programme for Azerbaijan.

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Security Council

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 16 December 2003 from the Permanent Mission of Maldives to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of the Republic of Maldives to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999), concerning Al-Qaida and the Taliban and associated individuals and entities, and has the honour to submit herewith the report of the Republic of Maldives, in accordance with paragraph 6 of Security Council resolution 1455 (2003) (see annex).

03-67272 (E) 090104

Annex to the note verbale dated 16 December 2003 from the Permanent Mission of Maldives to the United Nations addressed to the Chairman of the Committee

Report of the Republic of Maldives Pursuant to Paragraph 6 of Resolution 1455 (2003) submitted to the Committee Established by Security Council Resolution 1267 (1999)

The Maldives supports all international measures in the fight against terrorism. Since the country became the target of a terrorist attack in 1988, the Maldives has raised its voice at the General Assembly regularly calling for the enhancement of international cooperation to combat and eliminate terrorism. The Government of Maldives strongly condemns all terrorist attacks and reiterates its readiness to cooperate fully with the international community to combat terrorism.

I. Introduction

1. Please provide a description of activities, if any, by Usama Bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.

The competent authorities of the Maldives have not received any reports of any activities conducted by Usama Bin Laden, the Taliban or Al-Qaida or their associates in the Republic of Maldives, and believes that there are no activities conducted by them in the Maldives. The Maldives remains alert to any potential terrorist threats and shares information with friendly countries and countries in the region to eliminate terrorist threats.

II. Consolidated List

2. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?

Several administrative and regulatory measures have been introduced to comply with the 1267 Committee's List. These include the circulation of the List to the competent authorities for appropriate action. The Ministry of Finance and Treasury of the Government of Maldives is advised each time a new name is added to the List. The Ministry of Finance and Treasury alerts the Central Bank of the Maldives – Maldives Monetary Authority (MMA) which issues Freeze Orders to all commercial banks and money transfer agencies for those in the List. The banks have also been asked to remain vigilant on unusual transfers of money. The Department of Immigration and Emigration monitors the names in the List to deny entry and transit to those included in the List.

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.

The competent authorities have not encountered any problems with regard to the names and particulars in the List.

4. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.

None of the designated entities or individuals have been identified inside the territory of the Republic of Maldives.

5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama Bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigations or enforcement actions.

The Maldives has no information about any such persons whose names could be included in the List.

6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.

No lawsuit has been brought against any Maldivian authority by any such individuals or entities.

7. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the committee as well as similar information on listed entities, as available.

None of the listed individuals are nationals of the Maldives, and there is no information about any individual or entity not included in the List.

8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.

Law on the Prevention of Terrorism in the Maldives (Law No. 10/90) provides the legislative framework to deal with acts of terrorism. This Law is also interpreted to include recruitment to terrorist groups.

In addition, Law on Narcotic Drugs and Psychotropic Substances (Law No. 17/77) and Law on the Prevention and Prohibition of Corruption (Law No. 2/2000) subscribe to the legislative framework against financing of terrorist acts and money laundering. Section 6 of Law No. 17/77 in particular prohibits the receiving, keeping and use of goods or money obtained, or with reason to believe to have been obtained through indulgence in an act prohibited under the Law.

III. Financial and Economic Assets Freeze

9. Please describe briefly :

- **The domestic legal basis to implement the asset freeze required by the resolutions above;**
- **Any impediments under your domestic law in this context and steps taken to address them.**

The Maldives Monetary Authority (MMA) as the regulatory authority for activities in the financial sector monitors the compliance of the financial institutions with relevant laws and regulations in effect in the Maldives. These laws and regulations are the Maldives Monetary Act (1981); Regulations Governing Banks and Financial Institutions; Regulations Governing Finance Leasing Companies and Finance Leasing Transactions and MMA's Circulars and Directives to the commercial banks and other financial services. The MMA issues Directives to the banks to be vigilant in "Knowing Your Customers." The Authority's Freeze Orders and Directives are binding on all commercial banks and other financial institutions in the Maldives. To date, there have been no known cases of unusual financial transactions through the banking system in the Maldives.

10. Please describe any structures or mechanisms in place within your Government to identify and investigate Usama Bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

The Maldives Monetary Authority monitors commercial banks and other financial institutions and requires them to report to the Authority any unusual financial or transactions involving large sums of money.

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama Bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities or agencies responsible for oversight.

Directives and Circulars of the Maldives Monetary Authority prescribe measures which can help identify any such transfers by those listed or any assets held by those listed.

12. Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities." Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2001) and 1390 (2002). Please include, to the extent possible, in each listing the following information.

- **Identification(s) of the person of entities whose assets have been frozen;**
- **A description of the nature of the assets frozen (i.e., bank deposits securities, business assets, precious commodities, work of art, real estate property and other assets);**
- **The value of assets frozen.**

The authorities have not detected any financial assets belonging to the listed entities or individuals.

13. Please indicate whether you have released pursuant to Resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama Bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

No funds, financial assets or economic assets related to Usama Bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities have been detected in the Maldives.

14. Pursuant to Resolutions 1455 (2003), 1390(2001), 1333 (2002) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to Listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:

- **The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.**
- **Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are revised and evaluated.**
- **Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.**

- **Restrictions or regulations, if any, placed on the movement if precious commodities such as gold, diamonds and other related items.**
- **Restrictions or regulations, if any, applicable to alternate remittance systems such as ---or similar to--- "hawala", as well as on charities, cultural and other non-profit organisations engaged in the collection and disbursement of funds for social or charitable purposes.**

The Maldives Monetary Authority issues Freeze Orders, Circulars and Directives. These are binding on all commercial banks and other financial institutions in the Maldives.

There is no alternative remittance system to the above in the Maldives.

IV. Travel Ban

15. Please provide an outline of the legislative framework and/or administrative measures, if any, taken to implement the travel ban.

The National Security Service (NSS) and other law enforcement agencies such as the Maldives Customs Service, the Department of Immigration and Emigration, and the Airport Security, work jointly to deny terrorists entry into the Maldives. The authorities depend on tip-offs from the Interpol and law enforcement agencies of other states. In addition, there is enhanced screening processes for passengers, luggage and cargo at ports and airports. Following 9/11, the Customs procedures have been made more stringent. The Department of Immigration and Emigration has enhanced measures to monitor closely the entry and exit of persons to prevent listed/wanted people from entering or transiting the Maldives. The NSS, as the principal agency responsible for law enforcement activities, has enhanced security measures at air and sea ports and has improved its coordination with the Customs and Immigration authorities.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

The names have been circulated to the relevant border checkpoints. The agencies involved in border check points work jointly to monitor the "stop list". So far no problems have been encountered in the Maldives.

17. How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?

The updated list is circulated to the competent authorities as soon as it is received in the Ministry of Foreign Affairs. Likewise all additions to the List are notified to them promptly. All border control check points have the capability of electronically searching the data list.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information as appropriate.

None in the List has so far attempted entry into or have transited through the Maldives.

19. Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa issuing authorities identified any visa applicant whose name appears on the List?

The List is maintained at the entry and exit points of the Maldives. No prior visa is required to enter the Maldives. All foreigners are issued a 30 day visa on arrival at the entry point where the names of arriving passengers are checked against the List.

V. Arms Embargo

20. What measures, if any, do you have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama Bin Laden, members of Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

Law No. 4/75 regulates the importation, production and handling of arms, ammunitions and explosives. This law prohibits any person from acquiring firearms, possession of guns or importing weapons into the Maldives without the prior authorisation of the Ministry of Defence and National Security. The Ministry of Defence and National Security is tasked with the enforcement of this Law.

The Maldives does not export any weapons or weapons technology as it does not produce any weapons.

21. What measures, if any, have you adopted to criminalise the violation of the arms embargo directed at Usama Bin Laden, members of Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them?

Any case of violation of Law No 4/75 that governs the importation, production and handling of arms, ammunition and explosives is referred to the Criminal Court.

22. Please describe how your arms/arms broker licensing system, if any, can prevent Usama Bin Laden, members of Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

The procurement of arms and ammunitions is strictly restricted to the Ministry of Defence and National Security of the Government of Maldives.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Usama Bin laden, members of Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated?
The Maldives does not produce any weapons and ammunitions.

VI. Assistance and conclusion

24. Would your state be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolution? If so, please provide additional details or proposals.

The Maldives does not possess sufficient expertise to provide assistance to other States, but remains ready to share information with the law enforcement agencies of other countries to prevent terrorist acts and in case a terrorist act occurs, to cooperate with them to arrest and to bring those responsible to justice.

25. Please identify areas, if any, or any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.

The Maldives fully complies with the sanctions regime against the Taliban/Al-Qaida and implements all measures prescribed by the resolution.

26. Please include any additional information you believe pertinent.

The Maldives is already party to the following 7 of the 12 global conventions on terrorism.

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.

- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963.

- Protocol on the suppression of Unlawful Acts of Violence at airports Serving International Civil Aviation, supplementary to the Convention for the suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988.

- Convention on the Marketing of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.

- Convention for the suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970.

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23 September 1971.

In addition, the Maldives is also party to the SAARC Regional Convention on Suppression of terrorism signed in 1987. The Government of Maldives is in the process of studying the remaining five conventions.

The Government has completed studying the International Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly on 9 December 1999. The Government of Maldives hopes to accede to the Convention soon.

United Nations S/AC.37/2003/(1455)/87

Security Council

Distr.: General
19 December 2003

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 19 December 2003 from the Permanent Mission of Cyprus to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of the Republic of Cyprus presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, has the honour to submit the report of the Republic of Cyprus in accordance with paragraph 6 of Security Council resolution 1455 (2003) and kindly requests the latter's assistance in duly publishing the said report as a document of the Committee (see annex).

03-67278 (E) 050104

Annex to the note verbale dated 19 December 2003 from the Permanent Mission of Cyprus to the United Nations addressed to the Chairman of the Committee

Report in fulfillment of United Nations Security Council resolution 1455 (2003)

I. Introduction

1. Please provide a description of activities, if any, by Usama bin Laden, al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.

The Authorities of Cyprus have not identified terrorist groups or individuals who are members or associated with al-Qaida, the Taliban or Usama bin Laden.

II. Consolidated list

2. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including the financial supervision, police immigration control, customs and consular authorities?

With a decision of the Council of Ministers, all Security Council Resolutions, including 1267, are adopted and binding for all Authorities in Cyprus which are requested to take all necessary measures, according to their functions and responsibilities.

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.

Yes, both on the part of the financial agencies and the police, the lack of data on nationality, date and place of birth and other information on identity makes identification difficult.

4. Have your authorities identified inside your territory any designated individuals or entities?

No.

5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama bin Laden or members of the Taliban or al-Qaida that have not been included in the List, unless to do so would compromise investigations or enforcement actions.

Not applicable

6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.

No.

III. Financial and economic assets freeze

9. Please describe briefly:

-The domestic legal basis to implement the asset freeze required by the resolutions above:

The Ratification Law of the International Convention for the Suppression of the Financing of Terrorism (Law No. 29(III)/2001), which was enacted on 30.11.2001, criminalizes as serious offences the financing of the terrorist acts contained in the International Conventions listed in the Annex to this Convention and provides for serious penalties: 15 years imprisonment and/or a fine of CY Pounds 1 .000.000.

With the provisions of the Ratification Law (Law No. 29(III)/2001), the offences prescribed in the Convention are considered to be predicate offences, for the purposes of the anti-money laundering legislation.

The Cyprus Financial Intelligence Unit — FIU (MOKAS) is vested, with the provisions of the same Law, the powers to analyze suspicious transactions reported by Financial Institutions in relation to financing of terrorism, conduct the necessary investigations and co-operate with its counterparts of other countries as well as with other Law Enforcement Authorities.

Consequently, Banks and other financial institutions are required to report to the appropriate Authority (FIU) their suspicions on transactions, related to the financing of terrorist acts and all relevant provisions on freezing and confiscation orders are applicable in such cases.

Furthermore, following decisions of the Council of Ministers, with the advice of the Attorney General, the Central Bank of Cyprus is enabled to carry out or order Banking Institutions to carry out administrative inquiries in order to identify and freeze terrorist assets, to implement U.N. sanctions and to enforce U.N. Security Council Resolutions.

10. Please describe any structures or mechanisms in place within your Government to identify and investigate Usama bin Laden, al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

Each Government Department has its own role in this area, however, a Coordinating Body Against Terrorism was set up by a decision of the Council of Ministers, chaired by the Deputy Attorney General and composed of representatives of the Police, the Customs Department, the Financial Intelligence Unit (FIU), and the Ministries of Justice and Public Order and Foreign Affairs

Its main task is to co-ordinate the roles and responsibilities of each Department in the area of fighting Terrorism and may suggest further measures if deemed necessary.

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama bin Laden or members of al-Qaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

Banks and other Financial Institutions are obliged to apply all preventive measures contained in the anti-money laundering legislation, namely, *the Prevention and Suppression of Money Laundering Activities Law*, including detailed provisions on "due diligence" and "know your customer".

12. Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267(1999), 1333 (2001) and 1390 (2002). Please include, to the extent possible, in each listing the following information:

- **Identification(s) of the person or entities whose assets have been frozen;**
- **A description of the nature of the assets frozen (i.e., bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets);**
- **The value of assets frozen.**

No assets have been identified, in Cyprus's Financial Institutions.

13.Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama bin Laden or members of al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

Not applicable.

14. Pursuant to resolutions 1455 (2003), 1390(2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designate individuals and entities. This section should-include a description of:

- **The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.**

Please see replies under No. 7 and 9 above.

IV. Travel ban

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

The Council of Ministers has adopted the measures included in Resolution 1267 and all other relevant Resolutions, regarding the travel ban with immediate effect. The Ministry of Foreign Affairs regularly forwards any information to all departments of the government, which are implicated. Please see answer to question 16 below.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

Yes. The 1267 Committee's Consolidated List is regularly updated and is immediately upon receipt forwarded to the Chief of the Police, the Director of the

Customs Department, the Attorney General, the Director of the Central Bank, the Permanent Secretary of the Ministry of Justice and Public Order and the Director of the Central Intelligence Department, who place the various individuals on the Stop List at all points of entry into the Republic of Cyprus.

17. How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?

The Commander of the Aliens and Immigration Authority is regularly informed about the inclusion of new persons to the 1267 Committee's Consolidated List, in order to update the Stop List.

The Director of Research and Development Department, the Director of the Central Information Service, and the Police Director of Department C, are regularly informed, in order to take all appropriate measures.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

No individual on the Stop List has been found to live or transit through Cyprus.

19. Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the List?

No.

V. Arms Embargo

20. What measures, if any do you have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama Bin Laden, members of al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapon development and production?

Import and export controls as regards prohibitions and restrictions in force, including weapons, have been enhanced since the terrorist attack of the September 11th, by-

- strengthening the controls so that all export or transiting/ transhipped cargo is controlled through the portal monitors. According to the case, other available

equipment can be used. Moreover, through the scrutiny of relevant documentation lodged to Customs and the use of risk analysis methods, other suspect goods could be identified and thus to enable us to prevent the illicit trafficking of weapons that can not be detected by the portal monitors and other high technology equipment available.

- strengthening the controls of passengers, their luggage and personal belongings at the entry/exit points in/out of Cyprus.

On the basis of WCO Recommendation on mutual administrative assistance and other conventional commitments, any findings that may be derived either by scrutiny of documents or by examination of goods and any other control, are reported immediately to the states concerned.

Instructions were given to the District Senior Customs Officers to strengthen the controls at the points of entry/exit (ports, airports and parcel posts), specified as follows:

- Strengthen the controls on passengers' luggage and handbags checking for goods liable in prohibitions or restrictions and any item that could be dangerous for the safety of the passengers travelling by airplane.
- Frequent patrols at the customs areas of the ports and airports with random checks to the employees and the vehicles used by them.
- Closer cooperation and coordination between the Department of Customs & Excise and the other agencies involved m such controls.

All Customs officers were informed by circular letters for the necessity to be alert on the prohibitions and/or restrictions concerning:

- Countries subject to embargoes imposed by the United Nations Security Council.
- Transits/transhipments or exports of dual-use goods and other sensitive materials.

Extensive use of the available equipment for the detection of radioactive materials, the identification of dual use goods and other concealed materials.

In order to perform a more efficient control through the portal monitors installed at Limassol Port, a control plan has been created. According to the plan, all outgoing cargo, either transiting/transhipped cargo or other exported cargo is controlled through the portal monitors.

Convert the manual existing system for the recording of the results of all controls made by the available means/equipment of controls at our disposal to an electronic controlling system.

A national Risk Assessment Document has been updated in order to assist for the proper analysis of the risk involved in all areas where customs control is exercised, in which a more specific analysis has been carried out in respect of such items and controls.

Priority of training of personnel has been given to export control as well as to prohibitions and restrictions related issues. To this end, twenty Customs Officers have participated at a transhipment enforcement workshop organized in cooperation with the USA Government in Cyprus during November 2001. Further twenty officers have also been trained by specialists assigned by the EU TAIEX program, in passenger examination and interviewing techniques during the same month.

Through an electronic system the Department monitors cash movements of currency in/out of Cyprus. The Department also monitors the trafficking of other valuable and other goods that may be used for money laundering purposes and the methods used for their payment.

The Department of Customs and Excise exchanges information with other law enforcement agencies through intelligence systems such as:

- C.E.N. System (WCO)
- BALKAN INFO SYSTEM
- MARINFO SYSTEM -
- A.F.I.S.(Antifraud Information System).

The Department, through the Recommendation of the WCO for mutual administrative assistance also exchanges vital information with other Customs Administrations. Moreover, the Department is in close cooperation and regular contact with several DLO'S (Drugs Liaison Officers) and other officials stationed at their respective embassies in Cyprus and abroad.

Exploitation of information received from the Australia and Nuclear Suppliers Groups and control of dual—use goods of the AG and NSG control lists.

The Department has already sighed MOU'S with the Cyprus Police, Shipping Agents Association, DHL and Cyprus Airways. Furthermore, an MOU on mutual administrative assistance has already been signed with UK Customs whereas bilateral agreements have also been signed with the USA, Greece and Israel.

The Investigation & Narcotics Section at Customs Headquarters and the Preventive Services of Customs Stations are staffed with experienced and trained officers in investigative techniques and law enforcement methods.

As regards to the enforcement measures taken from the Department of Customs and Excise, in addition to those mentioned above, relevant information has already submitted pursuant to resolution 1373(2001) as follows:

According to the Customs and Excise legislation in force, any goods, substances or - materials including nuclear materials or substances are imported, landed, unloaded or in the course of transit contrary to any prohibition or restriction for the time being in force with respect thereto under or by virtue of any enactment or convention which binds the Republic of Cyprus, shall be liable to forfeiture. The proviso for the forfeiture of goods applies as well as to exported goods contrary to any restriction or prohibition by virtue of any enactment in force.

The Department of Customs and Excise within the framework of criminal investigations and proceedings provides assistance through the European Convention on Mutual Assistance in Criminal Matters, ratified by the Republic of Cyprus and the relevant national enabling legislation as well as through the Recommendation of the WCO on mutual administrative assistance and other conventional commitments (i.e. bilateral agreements, MOU'S).

The Cyprus Department of Customs and Excise in its effort to become more effective in its controls on movements of sensitive items besides other measures, set up in July 2002 a special anti-smuggling team (ASET) based in Limassol port with the following main objectives-

- The establishment of effective customs controls over cargo transiting the free port of Limassol to prevent its use for smuggling and terrorist activities.
- Anti-terrorist and anti-smuggling actions on all inbound and outbound cargo, vessels and passenger ships calling at Limassol port.
- The detection of materials (nuclear, chemical, biological) that can be used in the manufacture of weapons of mass destruction.

ASET is assigned with the following duties:

- Define the transit cargo universe and its risks:
    1. Complete ships inventory — List Ships calling at Limassol with their routes, inbound and outbound.
    2. Compile manifest data — Implement procedures of obtain manifest data for each arriving vessel. Compile data on consignees, merchandise type, etc.
    3. Identify the potential WMD/Smuggling risks within this universe.

- Relevant controls and search of vessels, cargoes and cars based on risk analysis i.e. review of manifests to detect potential enforcement risks, compare manifest data received to international standards.
- Identification and determination of potential risks on commercial consignment.

- Investigative duties.
- Cooperation with the investigators of the Investigation Section and officers of the Intelligence Unit as well as foreign law enforcement authorities.
- Establish outreach program with the trade.
- Prepare threat assessment for other areas of operation, i.e. cruise ships processing, clearances at old Limassol port, etc.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted-used by Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated?

Cyprus is not an arms producing country and does not export arms.